

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

TOMMIE JARED LOWDER

PLAINTIFF

v.

Civil No. 06-5031

WASHINGTON COUNTY
SHERIFF'S DEPARTMENT; and
SHERIFF KENNETH McKEE

DEFENDANTS

O R D E R

On February 16, 2006, this case was transferred here from the Northern District of California. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information with respect to his claims.

Accordingly, it is ordered that plaintiff, Tommie Jared Lowder, complete and sign the attached addendum to his complaint, and return the same to the court **by April 7, 2006**. Plaintiff is advised that should he fail to return the completed and executed addendum by April 7, 2006, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.

IT IS SO ORDERED this 8th day of March 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE

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WASHINGTON COUNTY
SHERIFF'S DEPARTMENT; and
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ADDENDUM TO COMPLAINT

TO: TOMMIE JARED LOWDER

This form is sent to you so that you may assist the court in making a determination as to the issue of whether your complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by April 7, 2006**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint, you allege that your constitutional rights were violated in June of 2005 when you were verbally harassed with the intent to humiliate you or endanger your safety. You indicate that you are a homosexual and that every time you are incarcerated at the Washington County Detention Center you are subjected to such behavior.

You also maintain you were retaliated against for previous claims. You indicate you

were unnecessarily placed in a safety cell, digitally searched, deprived of access to drinking water, a toilet, clothing, a blanket, or a mat for nine days.

1. Why were you incarcerated at the Washington County Detention Center in June of 2005? Were you there on pending criminal charges, serving a sentence, or had your parole, probation, or supervised release been revoked?

Answer:

2. You are currently incarcerated in California. Please state whether you are incarcerated on pending criminal charges, serving a sentence, or whether your probation, parole, or supervised release has been revoked.

Answer:

3. In your complaint, you ask that your current Washington County charges be moved or overseen by a San Francisco court. What charges are pending against you in Washington County?

Answer:

4. In your complaint, you mention being incarcerated in the Washington County Detention Center in November of 2000. You state you requested that you be placed in protective custody or in administrative-segregation. Were the same officers involved in your cell assignment in June of 2005?

Answer: Yes _____ No _____.

If you answered yes, please provide the officers' names and state how you believe each officer violated your federal constitutional rights.

If you answered no, please state why you mentioned the November of 2000 incarceration.

5. In June of 2005 you state you were harassed verbally.

(A). Please state the name of the officers or officers who harassed you. If you do not know the officers' names, please provide the court with any information that would assist in identifying these officers. For example, the date and time the harassment occurred, where you were in the facility when the harassment occurred, a description of the officers involved, etc.

Answer:

(B). Please describe in detail how you were verbally harassed.

Answer:

(C). Please indicate where the harassment occurred and how many other inmates were present.

(D). Please state whether fellow inmates took any action against you in response to the harassment.

Answer:

6. You indicate you were retaliated against for previous claims.

(A). Please state what previous claims you are referring to.

Answer:

(B). Please state the names of the officers who retaliated against you. If you do not know their names, please provide the court with any information you have that could assist in identifying the officers involved.

Answer:

(C). You indicate you were placed in a safety cell. Please state why you believe this was an act of retaliation.

Answer:

7. You indicate you were digitally searched and had no access to drinking water, a toilet, clothing, a blanket, or a mat for nine days.

(A). What reason was given for your being searched?

Answer:

(B). Who searched you?

(C). Did you receive three meals a day?

Answer: Yes _____ No _____.

If you answered yes, please state if you received anything to drink with the meals.

If you answered no, please state how many meals you received a day and whether you received anything to drink with the meals.

(D). Did you have any type of clothing?

Answer:

(E). Describe the safety room.

Answer:

(F). Were you the only inmate in the safety room?

Answer:

(G). Did the safety room have a toilet, sink, or shower?

Answer: Yes _____ No _____.

If you answered no, please state when you were given access to a toilet, sink, or shower.

(H). Did you have a bunk or anything to sleep on?

Answer: Yes _____ No _____.

If you answered yes, please state what you slept on.

8. You have named Sheriff Kenneth McKee as a defendant. Was he personally involved in harassing you, searching you, or in conditions of the safety room?

Answer: Yes _____ No _____.

If you answered yes, please explain how he was involved.

If you answered no, please explain how you believe Sheriff McKee violated your federal constitutional rights.

9. You have named the Sheriff's Department as a defendant. The Sheriff's Department is a building and not a person subject to suit under § 1983. Are there other individuals you want

to name as defendants?

Answer: Yes _____ No _____.

If you answered yes, please state the name of each individual you want to name as a defendant and describe how he or she violated your federal constitutional rights.

10. Did you suffer any physical injury as a result of the conditions under which you were confined in the safety room?

Answer: Yes _____ No _____.

If you answered yes, please describe: (a) the physical injury you suffered; (b) the symptoms you experienced; (c) the severity of those symptoms; (d) whether you sought, or received, medical care as a result of the physical injury; and (e) how long it took you to recover from the injury.

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS
COVERED BY THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

TOMMIE JARED LOWDER

DATE